

Minutes of a Regular Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **January 19, 2016.**

ROLL CALL:

Present: Supervisor William J. Rieber, Jr., Presiding
Councilman John A. Pavese
Councilman Peter T. Briggs
Councilman Scott S. Mace

APPROVED

Absent: Councilman Richard Sush

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
William D. Culligan, Water & Sewer Superintendent
Richard L. Benjamin, Jr., Highway Superintendent
James Carnell, Jr., Building Planning & Zoning Director

PUBLIC HEARING: REMOVAL OF EPT/EPR PROPERTIES FROM THE KIAMESHA LAKE SEWER DISTRICT

Supervisor Rieber opened the Public Hearing at 7:30 PM.

Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on January 08, 2016 with same being posted at the Town Hall on December 22, 2015.

Supervisor Rieber and Attorney Mednick both briefly explained the purpose for this public hearing, which is clearly described in the legal public notice. This is proposing a reduction of the Kiamesha Lake Sewer District removing all parcels currently owned by EPT/EPR Properties from the Kiamesha Lake Sewer District. All parcels being removed have been incorporated into the newly created "Adelaar" Resort Sewer District upon the property owner's request and expense.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There was no public comment made.

After an opportunity for all persons to be heard Supervisor Rieber entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:34 PM was made by Councilman Briggs and seconded by Councilman Mace.

REGULAR MEETING – CALL TO ORDER

Deputy Supervisor Sush opened the meeting at 7:35 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

APPROVAL OF MINUTES:

On a motion made by Councilman Briggs and seconded by Councilman Pavese the minutes of the December 15, 2016 Special Town Board Meeting were approved as presented.

Vote: Ayes 3 Rieber, Pavese and Briggs
 Nays 0
 Abstained 1 Mace (He was not present for the Meeting.)
 Absent 1 Sush

On a motion made by Councilman Mace and seconded by Councilman Pavese the minutes of the January 05, 2016 Organizational and Regular Town Board Meeting were approved as presented.

Vote: Ayes 4 Rieber, Pavese, Briggs, and Mace
 Nays 0
 Absent 1 Sush

BUSINESS OF THE MONTH PRESENTATION: FODOR LANDSCAPING – GLENN FODOR AND DM LANDSCAPING – DANNY MARCUS

Supervisor Rieber presented Glenn Fodor, owner of “Fodor Landscaping” and Danny Marcus, owner of “DM Landscaping” both of Rock Hill with a Plaque and Certificate as the “Business of the Month”. The Town Board thanked both gentlemen for their continued business/service and investment to the community. Melinda Ketchum-Meddaugh, Rock Hill Business & Community Association Member took photographs of Mr. Fodor and Mr. Marcus with the Town Board to be displayed in the entrance of the Town Hall. Both gentlemen thanked the Town Board.

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

- 1) Hospice of Orange & Sullivan Counties, Inc.: Information Re: Spring Volunteer Training 2016.
- 2) Time Warner Cable: 4th Quarter Franchise Fee – (10/01/2016-12/31/2016) \$32,924.85.
- 3) LP Ciminelli, Inc.: Check # 29616, \$1,100,000.00 – Payment toward \$2,216,816.00 Building Permit Fee.
- 4) NYS Homes & Community Renewal: HOME Local Program Grant Closeout and Certificate of Completeness.
- 5) Letter dated 01/13/16 from Julio Garaicoechea, SC IDA to Supervisor Rieber and Town Board regarding the 1st 2016 Distribution of PILOT Payments totaling \$20,268.58 for the following projects: Nonni’s Foods LLC \$13,374.90 and Mountain Pacific Realty, LLC \$6,893.68. Check No. 4087 dated 01/13/16 in the

Supervisor Rieber obtained information and proposal from U-Source Energy to consider locking in electricity costs for all Town electric accounts at .5 kw. Councilman Mace said that there are sometimes additional costs associated with other suppliers. Attorney Mednick reviewed the provided information and proposal and could not determine if there were additional costs to consider. He is recommending that a formal contract be provided for review and consideration depending upon cost and additional expenses.

8. MUNICIPAL FACILITIES GRANT PROGRAM \$50,000.00 – RESOLVE TO APPLY TO THE DORMITORY AUTHORITY FOR THE \$50,000.00 GRANT NOW THAT WE HAVE BEEN SELECTED. FUNDS TO BE UTILIZED TOWARD RENOVATIONS TO THE MAIN PAVILION AT THE TOWN PARK

Discussion ensued regarding the \$50,000.00 grant through the State and Municipal Facilities Capital Program for Renovations to the Main Pavilion at the Town Park. The Town had completed a Preliminary Application for grant funding under the program and was selected. After further discussion it was decided that the Town would complete the two-page application to apply for the grant. Upon acceptance and processing of the application a contact will be provided to the Town by DASNY.

The Following Resolution Was Duly Adopted: Res. No. 73 of the Year 2016.

Resolved, that the Town Board of the Town of Thompson hereby authorizes the participation and completion of the two-page application to apply for the State and Municipal Facilities Capital Program Grant in the amount of \$50,000.00 for renovations to the main pavilion at the Town Park.

Moved by: Councilman Briggs

Seconded by: Councilman Pavese

Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1 Sush

9. DISCUSS IMPROVEMENTS TO THE FOOTBALL FIELD AT THE TOWN PARK

A representative of MAFCO contacted Supervisor Rieber asking if the Town would consider making improvements such as providing topsoil to the Football Field at the Town Park. The Town of Thompson has agreed to allow MAFCO to create and utilize the field at the Town Park, but all improvements were to be made at their expense. Discussion took place regarding the subject and it was decided that the Town could provide them with some ditch dirt, but that they could not provide topsoil. The Town Board agreed that this is a private organization so they are limited. The Town Board said that it is a good program for the youth in the community. Mr. Sterling, a MAFCO representative was present and thanked the Board for whatever assistance that they could provide. Councilman Pavese encouraged Mr. Sterling to look for outside donation sources in the community such as local Developers of projects in the area. He said that there is no guarantee, but it is worth a try to see if others would be interested in donating to a local youth organization such as theirs.

10. SCHOOL TAX RELIEF – DISCUSS RESOLUTION TO ENCOURAGE THE STATE GOVERNOR AND LEGISLATIVE BODIES TO PROVIDE SCHOOL TAX RELIEF BY SUBSIDIZING SCHOOL PROPERTY TAX

The Following Resolution Was Duly Adopted: Res. No. 74 of the Year 2016.

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF THOMPSON TO
REQUEST THE REFORM OF
NEW YORK STATE PUBLIC EDUCATION FUNDING**

Supervisor William J. Rieber, Jr. presented the following resolution which was seconded by Councilman Scott S. Mace.

WHEREAS, New York State is one of only twelve states that continue to fund public schools through property taxes; and

WHEREAS, the greatest financial hurdle faced by homeowners in the State is the onerous burden of school taxes; and

WHEREAS, that burden has forced innumerable New Yorkers, including many of those transitioning to retirement on a fixed income, to sell their properties and move from the State; and

WHEREAS, most states fund public schools through sales taxes and state income taxes (both corporate and personal) and other possible avenues of funding include mortgage taxes and excess profits taxes, all of which should be considered as more equitable and less burdensome alternatives to the school property tax method in New York; and

WHEREAS, even the City of New York no longer funds its public schools through property taxes and, recognizing this as a matter of equity as well as hardship, and in order to avoid a “subsidy” by the residents of one region of another, the residents of the City of New York should either be afforded a credit or excluded from any funding alternative so that fair legislation can be enacted without opposition on that score; and

WHEREAS, responsibility for the education of our youth should be more fairly and equitably distributed and not placed on the backs of our property owners; and

WHEREAS, the two percent tax cap law enacted by New York State is proof that the Governor, Senate and Assembly are aware of this crisis, but it is only a band aid approach to a worsening problem; and

WHEREAS, a more permanent solution must be found for the sake of the survival of our State.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Thompson in its capacity as the governing body of the Town hereby requests that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly urgently address this crisis and enact reforms to school district funding in New York State that implement an equitable alternative funding system to the property tax; and

BE IT FURTHER RESOLVED that we respectfully request that our New York State representatives, the Hon. John Bonacic, Senator for the 42nd Senate District and the Hon. Aileen Gunther, Assemblywoman for the 100th Assembly District, advocate for the reforms hereby put forth and we thank them for their diligence in this matter; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a letter substantially in the form annexed hereto on behalf of the Town Board addressed to the Hon. Andrew Cuomo, Governor requesting said reforms and to deliver such letter and certified copies of this Resolution to the Governor, Senator Bonacic and Assemblywoman Gunther; and

BE IT FURTHER RESOLVED that the foregoing resolutions shall take effect immediately.

the Town of Bethel for the period beginning January 1st, 2016 through December 31st, 2016 for the purpose of dog kenneling/shelter services. Further Be It Resolved, that a copy of said agreement shall be kept on file in the Town Clerk's Office.

Motion by: Councilman Briggs Seconded by: Councilman Mace

Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1 Sush

13. AUTHORIZE APPLICATION FOR WAIVER TO IMPACT ENVIRONMENTALLY SENSITIVE AREA FOR MONTREIGN SEWER CONNECTION

Supervisor Rieber said that many years ago when the Kiamesha Lake Sewer District was formed it impacted some Federal Wetlands and as part of the Federal Funding that was received the Town agreed that if there is ever anytime when a development project effects any of the Federal Wetlands in anyway the Town would have to apply to the U.S. E.P.A. for a waiver to connect. The U.S. E.P.A. has veto power over the connection between the Montreign Casino Resort Project into the Kiamesha Lake Sewer District, because they do cross a couple wetland areas. There has been an extensive amount of research completed regarding this matter. The letter and application for the waiver has been prepared by the Developer's Engineers on behalf of the Town. Supervisor Rieber requires authorization from the Town Board to request the waiver and to execute all necessary documents. Attorney Mednick said that each waiver will have to be requested separately for all phases of the project.

The Following Resolution Was Duly Adopted: Res. No. 77 of the Year 2016.

Resolved, that the Town Board of the Town of Thompson hereby approves the submittal of the Environmentally Sensitive Area Waiver Request to the United States Environmental Protection Agency, Region 2 to allow for the development of the Montreign Casino Resort Project and to provide sewer service to said development by the Kiamesha Lake Sewer District. Further Be It Resolved, that Town Supervisor William J. Rieber, Jr. hereby be authorized to execute all necessary documentation pertaining to said waiver request.

Motion by: Councilman Mace Seconded by: Councilman Pavese

Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1 Sush

14. HIGHWAY COLLECTIVE BARGAINING AGREEMENT – RESOLVE TO SIGN THE AGREEMENT

This matter was removed from the agenda since it was already completed at the last Town Board Meeting after Executive Session. No further action was taken or required.

15. AWARD BIDS – HIGHWAY DEPARTMENT ITEMS AS FOLLOWS:

- A. NON-DYED ON ROAD ULTRA LOW SULFUR CLEAR DIESEL FUEL, #2 FUEL OIL & UNLEADED GASOLINE**

The Town bid for Diesel Fuel, Fuel Oil and Unleaded Gasoline and the bids were opened and read on 01/14/2016. A copy of the bid results were provided to the Town Board for their review. There were (3) bids received in as follows:

1) Mirabito Energy Products

#2 Fuel Oil

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (-.1575)
Total Bid \$1.2902

Unleaded Gasoline

Journal Price per Gallon \$1.2129
Bid per Gallon over Journal (+.1545)
Total Bid \$1.3674

Undyed Ultra Low Sulfur Diesel

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (-.1550)
Total Bid \$1.2927

2) Ultra Power Corp.

#2 Fuel Oil

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (-.1100)
Total Bid \$1.3377

Unleaded Gasoline

Journal Price per Gallon \$1.2129
Bid per Gallon over Journal (+.1300)
Total Bid \$1.3439

Undyed Ultra Low Sulfur Diesel

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (-.1200)
Total Bid \$1.3277

3) County Petroleum Products, Inc.

#2 Fuel Oil

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (0)
Total Bid \$1.4477

Unleaded Gasoline

Journal Price per Gallon \$1.2129
Bid per Gallon over Journal (+.1995)
Total Bid \$1.4124

Undyed Ultra Low Sulfur Diesel

Journal Price per Gallon \$1.4477
Bid per Gallon over Journal (0)
Total Bid \$1.4477

The Following Resolution Was Duly Adopted: Res. No. 81 of the Year 2016.

Resolved, that the bids for Vehicle & Equipment Replacement Parts hereby be accepted to the following list of vendors at various discounted prices for each item as per the attached bid price sheets¹:

- 1) Campbell Freightliner of Orange County, LLC
- 2) Fleet Pride
- 3) Arkel Motors
- 4) Cook Brothers Truck Parts
- 5) Interstate Batteries
- 6) Shakelton Auto & Truck Centers (NAPA)
- 7) Healey Chevy Buick
- 8) Healey Ford Lincoln LLC
- 9) Healey Chrysler Dodge Jeep Ram
- 10) M&M Automotive Group
- 11) Roche's Garage
- 12) Arthur Glick Auto & Truck Center

Further Be It Resolved that the Town Clerk be, and hereby is, directed to notify the successful bidder of the award thereof.

Motion by: Councilman Pavese Seconded by: Councilman Briggs

Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1 Sush

C. FIBER-REINFORCED BITUMINOUS-MEMBRANE SURFACE TREATMENT MAT

The Town bid for a Fiber-Reinforced Bituminous-Membrane Surface Treatment Mat and the bids were opened and read on 01/14/2016. A copy of the bid results were provided to the Town Board for their review. There was only (1) bid received in as follows:

Gorman Bros., Inc. – Various Prices as per the Attached bid price sheet.

Superintendent Benjamin said that this product is Sole Source.

The Following Resolution Was Duly Adopted: Res. No. 82 of the Year 2016.

Resolved, that the bid of Gorman Bros., Inc., for Fiber-Reinforced Bituminous-Membrane Surface Treatment Mat, in the amount as per the attached², be, and is hereby accepted, and the Town Clerk is hereby directed to notify the successful bidder of the award thereof.

Motion by: Councilman Mace Seconded by: Councilman Briggs

Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1 Sush

¹ ATTACHMENT: VEHICLE EQUIPMENT & REPLACEMENT PARTS APPROVED BID PRICE SHEETS.

² ATTACHMENT: FIBER-REINFORCED, BITUMINOUS-MEMBRANE SURFACE TREATMENT MAT APPROVED BID PRICE SHEETS.

SUPERVISOR REPORT

- Status regarding the Melody Lake Wastewater Treatment Plant Improvement Project was provided involving the General Contractor Eventus Corp. who is currently off the project pending receipt of a Waiver by the NYS EFC, which has been applied for, but not granted. Further discussion ensued.
- Requests for tax breaks on proposed for-profit rental or affordable housing development projects. The Town Board expressed opposition, further discussion ensued.
- Request by representatives of the Columbia Hill Neighborhood Alliance to convene the Conservation Advisory Council (CAC) for the consideration and completion of a "Natural Resource Inventory" for the Town. The Town Board is not sure if the (CAC) would be the Board to complete such a report. The Town Board discussed the need to complete such report as well as update the Town Master Plan. Highway Superintendent Richard Benjamin said that he believes a similar report regarding Natural Resources in this area was completed in Ulster County not that long ago. He suggested that the Town look into obtaining a copy to see if the Town of Thompson was included. This report might be what they are looking for. The NYS DEC might also have a similar type report available. Further discussion took place regarding both matters and it was suggested that Supervisor Rieber contact Robert Geneslaw, Planning and Development Consultant who has performed services for the Town in the past to discuss the possibility of updating the Town's Master Plan and if a "Natural Resource Inventory" should be included or completed separately etc.

COUNCILMEN & DEPARTMENT HEAD REPORTS

Councilman Mace reported on updating the lot consolidation process. Further discussion ensued between the Town Board, Town Attorney and Director Carnell regarding the subject. They will discuss the matter further with Town Assessor Van B. Krzywicki to obtain his recommendations and see if the process can be updated.

OLD BUSINESS:

There was no old business reported on.

NEW BUSINESS:

There was no new business to discuss.

PUBLIC COMMENT:

There was no public comment given.

EXECUTIVE SESSION

On a motion made by Councilman Pavese and seconded by Councilman Briggs the Town Board entered into Executive Session at 9:00 PM with Town Attorney Michael B. Mednick and Highway Superintendent Richard L. Benjamin, Jr. to discuss a Personnel Matter involving a particular employee.

On a motion made by Councilman Briggs and seconded by Councilman Mace the Town Board returned from Executive Session and reconvened the Town Board meeting at 9:12 PM. Further action was taken as follows:

ACTION: AUTHORIZING DISCIPLINARY PROCEEDINGS AGAINST A PARTICULAR TOWN EMPLOYEE

The Following Resolution Was Duly Adopted: Res. No. 87 of the Year 2016.

At a Regular Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on January 19, 2016

RESOLUTION AUTHORIZING DISCIPLINARY PROCEEDINGS AGAINST AN EMPLOYEE OF THE TOWN OF THOMPSON

WHEREAS, an executive session of the Town Board of the Town of Thompson was called to discuss personnel matters related to the performance by an employee of the Town of the duties of such employee, the following resolution was duly moved, seconded and unanimously adopted:

BE IT RESOLVED that the Supervisor is authorized to institute disciplinary proceedings against an employee of the Town; to designate a hearing officer and take such other action as may be necessary under the circumstances. Michael B. Mednick, Esq. is authorized to request any and all documentation from such employee in his possession and to examine all necessary documents to carry out the disciplinary proceeding.

Moved by: Councilman Peter T. Briggs
Seconded by: Councilman Scott S. Mace

Adopted the 19th day of January, 2016.

The members of the Town Board voted as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input type="checkbox"/> No <input type="checkbox"/> Absent
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

DISCUSSION: ASSOCIATION OF TOWNS CONFERENCE 02/14/16 – 02/17/16

The Town Board discussed the need for some Town Officials to attend the Annual Association of Towns Conference for necessary training purposes. This was not approved at the Organizational Meeting. It was decided that only the Town Board and Town Attorney's shall be permitted to attend.

